

COPY

Serial or Patent No.: 08/883,584 OFGS No. P/2526-11 (-)
Filing or Issue Date: June 26, 1997
Applicant or Patentee: Philip Domenico
For: METHOD AND COMPOSITION FOR INHIBITING BACTERIA

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF CONCERN: Winthrop University Hospital

ADDRESS OF CONCERN: 259 First Street, Mineola, New York 11501

TYPE OF ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 USC §501(a) and §501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE USA
NAME OF STATE: _____ CITATION OF STATUTE: _____
☐ WOULD QUALIFY AS TAX EXEMPT UNDER 26 USC §501(a) and §501(c)(3) IF
LOCATED IN THE USA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF
USA IF LOCATED IN THE USA
NAME OF STATE: _____ CITATION OF STATUTE: _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 13 CFR 1.19(e) for purposes of paying reduced fees under 35 USC §41(a) and (b) with regard to the invention entitled METHOD AND COMPOSITION FOR INHIBITING BACTERIA

by inventor Philip Domenico

described in

- ☐ U.S. Patent Application filed herewith
☒ U.S. Patent Application Serial No. 08/883,584 filed June 26, 1997
☐ U.S. Patent No. _____ issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having the rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.19(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. 37 CFR 1.27.

NAME:

ADDRESS:

- ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME:

ADDRESS:

- ☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file in this patent application or patent, notification of any change of status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 CFR 1.29(b).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001, and that such willful false statements may jeopardize the validity of the patent application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Phkoharr Barbara L. Koharr

ADDRESS OF PERSON SIGNING: Winthrop University Hospital, 259 First Street, Mineola, NY 11501

SIGNATURE: Phkoharr

DATE: 12-23-98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of

Philip DOMENICO

Original Patent No.: 5,928,671

Issued: July 27, 1999

For: METHOD AND COMPOSITION FOR INHIBITING BACTERIA

Assistant Commissioner for Patents
Washington, D.C. 20231

**COMBINED DECLARATION AND POWER OF
ATTORNEY FOR REISSUE PATENT APPLICATION**

As the below named inventor, I hereby declare my residence, post office address and citizenship are as stated below next to my name, that I verily believe that I am the original and sole inventor of the subject matter which is claimed in Letters Patent 5,928,671 ("the Original Patent") issued July 27, 1999, and for which a reissue application is sought on the invention entitled "METHOD AND COMPOSITION FOR INHIBITING BACTERIA," the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the specification, including the claims, of the above-identified reissue application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with title 37 C.F.R. §1.56.

I believe the Original Patent to be partly inoperative by reason of my claiming more than I had a right to claim through error.

The specific error relied upon is that claim 1 may be anticipated by the following reference: Friedhim, "Therapeutically Active Bismuth Organic Compounds," Chemical Abstract Vol. 49 at column 15946 (1955). This reference was submitted in an Information Disclosure Statement on April 12, 1999, prior to the payment of the Issue Fee, with a certification that it was not known to Applicant more than three (3) months from the April 12, 1999 date. However, the Examiner indicated in an August 17, 1999 Communication that the Information Disclosure Statement was received too late for consideration.

Said error in the patent which has been corrected in the present reissue application arose without any deceptive intention on the part of the applicant.

I hereby appoint Ostrolenk, Faber, Gerb & Soffen and members of the Firm, Samuel H. Weiner, Reg. No. 18,510; Jerome M. Berliner, Reg. No. 18,653; Robert C. Faber, Reg. No. 24,322; Edward A. Meilman, Reg. No. 24,735; Stanley H. Lieberstein, Reg. No. 22,400; Steven I. Weisburd, Reg. No. 27,409; Max Moskowitz, Reg. No. 30,576; Stephen A. Soffen, Reg. No. 31,063; James A. Finder, Reg. No. 30,173; William O. Gray, III, Reg. No. 30,944; Louis C. Dujmich, Reg. No. 30,625; and Douglas A. Miro, Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent and Trademark Office connected therewith and to receive all correspondence.

Send Correspondence To:

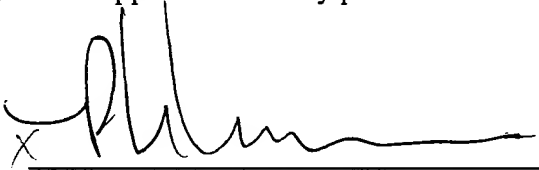
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: X 2/7/2006

X 
Philip Domenico

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